

**SUBJECT:** Mandatory venue for civil suits against political subdivisions

**COMMITTEE:** Civil Practices — favorable, without amendment

**VOTE:** 7 ayes — Gray, Hilbert, Bosse, Goodman, Nixon, Roman, Zbranek  
0 nays  
2 absent — Alvarado, Dutton

**WITNESSES:** For — Shanna Igo, Texas Municipal League  
Against — Hartley Hampton, Texas Trial Lawyers Association

**BACKGROUND :** Under a mandatory venue provision of the Civil Practices and Remedies Code, any lawsuits against a county must be tried in that county.

**DIGEST:** HB 785 would amend the mandatory venue rule to refer to political subdivisions, defined as a county, municipality, school or college district, hospital district, or any other special purpose district, but not a state agency. The bill would require that an action against a political subdivision be brought in the county in which it was located. If the political subdivision was located in more than one county, the action could be brought in any of the counties.  
  
HB 785 would take effect on September 1, 1997, and apply to all suits commenced on or after that date.

**SUPPORTERS SAY:** HB 785 would standardize venues for political subdivisions. Current law sets venue for suits against counties in the county being sued, but it does not set venue for any other political subdivisions of the state. The venue rules should not make a distinction among these entities.  
  
Problems with venue rarely occur when the political subdivision is the primary defendant; they are more common when the entity is added as a “deep pocket” defendant in a suit. The political subdivision can be forced to defend its rights in another part of the state and have to pass along these legal costs to its taxpayers. The general venue rule would be adequate if this

situation never happened; however, the reality is that jurisdictions need mandatory venue in order to protect their assets.

Mandatory venue rules should apply to all political subdivisions because of their nature as governmental bodies. When the taxpayers must foot the bill for any legal defense, it is essential that the civil justice system be set up so that the taxpayers are not required to pay unnecessary costs. HB 785 is not intended to give political subdivisions a “home field advantage.” The general venue rule already establishes the county of the defendant’s residence as one of the two primary locations for trying a suit against a Texas defendant. Rather, it is meant to save the governmental bodies from having to pay the cost of travelling to another part of the state to defend their rights.

**OPPONENTS  
SAY:**

Venue is considered a choice of the plaintiff; setting mandatory venue rules removes that choice from the plaintiff. The current venue rule, significantly modified just two years ago, is already very restrictive. In most cases, the general venue rule sets venue in the county of the defendant’s residence, the same county as this new mandatory rule would set it. The only other option under the general venue rule is the location where a substantial part of the cause of action accrued. Applying this rule would ensure convenience for most parties.